

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
KANG CHUN WONG,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER JEFFREY
LOO-Shield # 1529 and JOHN AND JANE DOES-Police
Officers as yet unidentified,

Defendants.
-----X

Index No.:

COMPLAINT

Plaintiff, by his attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the
defendants herein, upon information and belief, respectfully shows to this Court, and alleges as
follows:

**AS AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT
AND BATTERY ON BEHALF OF KANG CHUN WONG**

1. That at all times hereinafter mentioned, plaintiff was and still is a resident
of the County, City and State of New York.
2. That all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK,
was and still is a municipal corporation, duly organized and existing pursuant to the laws of the
State of New York.
3. That the defendant, THE CITY OF NEW YORK, maintains a police force known
as the NEW YORK CITY POLICE DEPARTMENT.
4. That prior hereto on January 27, 2014 and within the time prescribed by law, a
sworn Notice of Claim stating, among other things, the time when and place where the injuries
and damages were sustained, together with plaintiff's demands for adjustment or payment thereof,
and that thereafter the CITY OF NEW YORK refused or neglected for more than (30) days and
up to the commencement of this action to make any adjustment or payment thereof, and that
thereafter, and within the time provided by law, this action was commenced.

5. Pursuant to the General Municipal Law, the Statutory 50-H hearing of the plaintiff was held on July 29, 2014.

6. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, employed POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN DOES-Police Officers as yet unidentified, as agents, servants and/or employees.

7. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, the plaintiff, KANG CHUN WONG, was lawfully present at or about the intersection of 96th Street and Broadway, County, City and State of New York.

8. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, the plaintiff, KANG CHUN WONG, was assaulted and battered by defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, who were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, at the aforesaid premises.

9. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, the aforementioned assault and battery was performed knowingly, intentionally and willfully.

10. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief the defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, who committed the aforementioned assault and battery upon the plaintiff, KANG CHUN WONG, were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

11. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, the assault and battery on the plaintiff was without probable cause and was not the result of an appropriate arrest.

12. By reason of said assault and battery the plaintiff was caused to suffer severe and serious injuries in and about diverse parts of the person, and suffered great pain, distress, mental

shock, mental anguish and psychological trauma and was otherwise injured.

13. By the reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR FALSE
ARREST ON BEHALF OF KANG CHUN WONG**

14. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "13" inclusive with the same force and effect as if more fully set forth at length herein.

15. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, were working within the scope of their employment and authority with defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, when they arrested and confined the plaintiff, KANG CHUN WONG

16. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, the arrest and confinement was without probable cause nor based on reasonable grounds and not founded upon an arrest warrant.

17. That as a result of the aforesaid false arrest and confinement, plaintiff, KANG CHUN WONG, sustained serious permanent personal injuries along with humiliation, shame, indignity, damage to reputation and credit and suffered emotional and physical distress and injuries.

18. By the reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT
HIRING AND RETENTION ON BEHALF OF KANG CHUN WONG**

19. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "18" inclusive with the same force and effect as if more fully set forth at

length herein.

20. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of their agents, servants, and employees and were negligent in the hiring, training and retention of the defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, who assaulted, battered and violated the civil rights of the plaintiff, KANG CHUN WONG.

21. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the inappropriate, unlawful, and improper conduct of the defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

22. By the reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR FALSE
IMPRISONMENT ON BEHALF OF KANG CHUN WONG**

23. The plaintiff repeats and realleges each and every allegation set forth above numbered "1 through "22" inclusive with the same force and effect as if more fully set forth at length herein.

24. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment when they, without justification and without probable cause, imprisoned the plaintiff.

25. That defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, while acting within the scope of their employment, intentionally confined the plaintiff against his will and said confinement was not privileged.

26. By the reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR INTENTIONAL
AND NEGLIGENT INFLICTION OF EMOTIONAL
DISTRESS ON BEHALF OF KANG CHUN WONG**

27. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "26" inclusive with the same force and effect as if more fully set forth at length herein.

28. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, acted intentionally, recklessly and with utter disregard to the consequences of their actions and caused severe emotional distress to the plaintiff through their actions.

29. Said actions exceeded all reasonable bounds of decency, were outrageous and shocking and resulted in severe emotional distress to the plaintiff, KANG CHUN WONG

30. That as a result of said intentional and negligent acts, the plaintiff, KANG CHUN WONG, become sick, sore, lame and disabled, received severe and serious injuries in and about diverse parts of his person and suffered great physical pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

31. By reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR MALICIOUS
PROSECUTION ON BEHALF OF KANG CHUN WONG**

32. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "31" inclusive with the same force and effect as if more fully set forth at length herein.

33. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, within the scope of their employment, without justification, without probable cause, created and submitted an erroneous police report in an effort to cover up the aforesaid and initiate a prosecution in bad faith.

34. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment, maliciously prosecuted the plaintiff.

35. That on January 19, 2014, and at all times hereinafter mentioned and upon information and belief, as a result of the aforesaid malicious prosecution, plaintiff sustained serious, permanent, personal injuries along with humiliation, shame, indignity, damage to reputation and credit, legal fees, suffered emotional and physical distress and injury.

36. By reason of the foregoing, plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR CIVIL
RIGHTS VIOLATION ON BEHALF OF KANG CHUN WONG**

37. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "36" inclusive with the same force and effect as if more fully set forth at length herein.

38. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, were acting under the color of law and within the scope of their authority, assaulted, battered, falsely arrested and falsely imprisoned the plaintiff, KANG CHUN WONG, in violation of 42 U.S.C.A. section 1983 as well as other applicable state and federal laws.

39. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, acting under color of law and within the scope of their authority, deprived the plaintiff, KANG CHUN WONG, of liberty without due process and without reasonable cause in violation of 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

40. The defendants had deprived the plaintiff by their actions of his civil rights as guaranteed by statute.

41. That the assault, battery, false arrest and false imprisonment was in violation of the civil rights of the plaintiff, more particularly, 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

42. That the deprivation by the defendants of plaintiff's civil rights was a result of said defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, acting under color of law and within their authority as law enforcement officers within the employ of defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

43. That the defendants' actions were not privileged or immune.

44. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, were not acting with immunity when they deprived plaintiff of his civil rights.

45. By the reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR
PUNITIVE DAMAGES ON BEHALF OF KANG CHUN WONG**

46. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "45" inclusive with the same force and effect as if more fully set forth at

length herein.

47. The actions of the defendants herein-above alleged, were malicious, willful and grossly negligent.

48. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, authorized, permitted and ratified the unlawful and negligent acts of their agents, servants and/or employees, including but not limited to POLICE OFFICER JEFFREY LOO-Shield # 1529 and JOHN AND JANE DOES-Police Officers as yet unidentified, herein-above alleged.

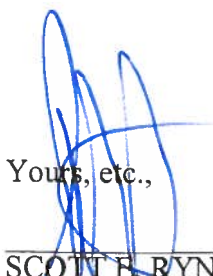
49. By the reason of the foregoing, the plaintiff, KANG CHUN WONG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

WHEREFORE, plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **First** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Second** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Third** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fourth** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifth** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Sixth** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Seventh** Cause of Action; plaintiff, KANG CHUN WONG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts

on the **Eighth** Cause of Action; together with attorneys' fees, and the costs and disbursements of this action.

DATED: Brooklyn, New York
August 7, 2014

Yours, etc.,



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RUBENSTEIN & RYNECKI, ESQS.
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Brooklyn, New York 11241
(718) 522-1020
File No.: 14KW01-19

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF KINGS)

KANG CHUN WONG, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing **COMPLAINT** and knows the contents hereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.


KANG CHUN WONG

Sworn to before me this 18th
day of August, 2014


NOTARY PUBLIC

MAGDA MARIN-COLON
Notary Public, State of New York
No. 01MA6158891
Qualified in Richmond County
Commission Expires 1-16-20 15